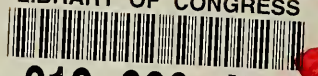


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Centennial Celebration of American Independence

SPEECH
OF
HON. THOMAS L. JONES,
OF KENTUCKY,
IN THE
HOUSE OF REPRESENTATIVES,

JANUARY 20, 1876.



WASHINGTON
1876.

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SPEECH
OF
HON. THOMAS L. JONES,
OF KENTUCKY,
IN THE HOUSE OF REPRESENTATIVES,

Thursday, January 20, 1876.

The House, as in Committee of the Whole, having under consideration the bill (H. R. No. 514) relating to the centennial celebration of American Independence—

Mr. JONES, of Kentucky, said:

Mr. CHAIRMAN: I had not intended to address the committee upon this bill. I have no prepared speech to make. I have not put pen to paper. But after the able and persuasive speeches that have been made by gentlemen on this side of the House against this measure, as I intend to vote differently from them, I propose to give some of the reasons which influence me in my support of it.

I do not presume, sir, to take a flight on the wings of the American eagle, or to stand upon the helmet of the Goddess of Liberty that crowns this Capitol, and belabor the air with sound and fury, but I propose to speak words of truth and soberness. When I sat here yesterday and heard the very eloquent speech of the gentleman from Virginia, like Agrippa listening to Paul I was almost persuaded. But sir, I am not quite ready to yield to his constitutional christianity at least.

Now, sir, I shall support this measure because I believe it is in the interest of peace and amity among the people of the United States. I shall support it because I am a southern man—yes, sir, southern as he who is most southern. I shall support it because I am an American citizen and a Union man. I have nothing to do, Mr. Chairman, with those discourteous and contemptuous flings and gibes which have been made from this side of the House to the other, or from the other side to this. I participate in no feelings which prompt such unbecoming deportment on this floor. I will endeavor to rise to a higher plane. I consider the South, now so ably and gallantly represented on this floor, as reconstructed—reconstructed, sir, it is true, against my own voice and vote in many of the modes which made up reconstruction. But since it has been done I abide it, and so do these honorable gentlemen abide it. I have been reared, like the gentleman from Virginia, in the school of the strict construction of the Constitution. I have read and heard a great deal upon that subject from both stand-points, North and South, and my observation and experience have inclined me on some subjects at least to leave a little the strict construction side, and I think that I have illustrious examples for doing so.

The subject of internal improvements which has been alluded to is hereafter to be discussed in this House. It is a question upon which gentlemen on this side are to divide, and perhaps it is as well that, although we occupy the same stand-point, as it were, yet we see things

differently. I expect, sir, to invoke the aid of this Government to some works of internal improvement in the South, that the South, equally taxed, may enjoy equally with the North the benefits of the Government. I expect to invoke it in some shape or another for the great Southern Texas Pacific Railroad; and for my authority in the Constitution, or in the views of the expounders of the Constitution, I point to the greatest strict constructionist the South ever produced, whose voice and whose pen have interpreted that instrument. Mr. Calhoun in 1816 was the very father in this country of a system of internal improvement. In that year he moved that a committee of Congress be appointed to present a bill for the purpose of devising a system of internal improvement. He was chairman of that committee, and reported the bill. It provided that the stock of the Government in the United States Bank and that the bonus that was offered the Government by private stockholders of the bank should be set apart as a permanent fund for internal improvements in the States. And he said, sir, on that occasion—

Let us bind the Republic together by a perfect system of railroads and canals; let us conquer space. * * * It is thus the most distant parts of the Republic will be brought within a few days' travel of the center; it is thus that the citizen of the West will read the news of Boston still moist from the press.

He said this in the vigor of his great intellect and when the illustrious authors of the Constitution, from whom he drew his lessons, still lived. I am aware that Mr. Calhoun afterward doubted the faith which he then promulgated and reasoned much in the other direction. But I point, sir, to another renowned example among the expounders of the Constitution. Daniel Webster, on the question of internal improvements in the States by the General Government, said—I use his own language—he “had not a particle of doubt as to the power of Congress.” In a speech which he made in 1836 on the bill providing that the Government of the United States should purchase the private stock in the Louisville canal and hold and improve it as a medium of commerce, he went into the doctrine of the constitutionality of the measure, and he said upon that bill “he was a western man as he who was most western,” and he would support it if it was simply a means of intercourse between and for the benefit of but two of the States of the Union, Indiana and Kentucky. He looked not to the locality but the magnitude of the object.

He said that the Government had just as much right to improve rivers or construct railroads for the purposes of commerce as it had to build forts, light-houses, or harbors on the seashore.

And I would say to the gentleman from Virginia [Mr. JOHN RANDOLPH TUCKER] that probably the first step ever taken in this country toward the regulation of commerce among the States and to establish a system to promote it was in the house of delegates of Virginia. In July, 1785, they adopted the following resolution. I commend the name that heads it to the honorable gentleman's memory:

Resolved, That Edmund Randolph and others be appointed commissioners, who or any five of whom shall meet such commissioners as may be appointed by the other States in the Union, at a time and place to be agreed on, to take into consideration the trade of the United States, to examine the relative situation and trade of the said States, to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony, and to report to the several States such an act relative to this great subject as, when unanimously ratified by them, will enable the United States in Congress assembled effectually to provide for the same. That the said commissioners shall immediately transmit to the several States copies of the preceding resolution with a circular letter requesting their concurrence therein and proposing a time and place for the meeting aforesaid.

But, sir, leaving the subject of commerce or internal improvements for discussion on some more fit occasion and coming to the immediate question before the committee, I am expected and I ought to give some reason for the right which Congress has to appropriate money or to take stock, if you please, in this enterprise. My friend from Virginia [Mr. TUCKER] went into an argument for a strict construction of the Constitution, and denied the power of Congress to do any such thing. I propose to follow him as briefly as possible. I desire to call his attention first to the preamble of the Constitution itself.

That preamble specifies in general terms the objects for which the Constitution was made. It reads:

We, the people of the United States, in order to form a more perfect union, establish justice, *insure domestic tranquillity*, provide for the common defense, *promote the general welfare*, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

It was then as much the object of the Constitution or of its framers to "insure domestic tranquillity" or "promote the general welfare" as it was to "establish justice" or to "provide for the common defense" or to "secure the blessings of liberty," or, indeed, to "form a more perfect union." Who shall discriminate between these great objects of the Constitution, or say that the Government has less or more power to effect one than the other? Is not the obligation of the Government equally great in respect to all?

But we are not left to the preamble alone for authority. We find in the body of the Constitution itself, in the enumeration of the powers of Congress, that—

The Congress shall have powers to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and *general welfare* of the United States.

All will say that here is a specific power given to Congress to collect taxes to pay debts, and who shall say the power is not equally given to provide for the *general welfare*? The power is there; and the only question is how shall the general welfare be provided for, in what manner, and to what extent? I say it is for the Congress in its best wisdom to determine. Another of the enumerated powers is "to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures," but in what amount or denomination, whether of gold, silver, or copper, or how regulate weights and measures, is not specified. It is for Congress to determine. Another is "to establish post-offices and post-roads," but whether to build a house for a post-office costing a thousand dollars or a million it is not defined; it is left for Congress to determine. Another is "to declare war;" another, "to raise and support armies;" but the specific mode of making weapons of warfare or providing munitions of war, or how much money is to be appropriated for the purpose, is not described or stated. Another power is "to provide and maintain a navy," but there is no defined power to build a brig or man-of-war, at what cost or in what manner a navy shall be maintained. All these things follow the general power, and it is left for Congress to determine how they shall be provided.

Why, sir, how is it that Congress appropriates money to build great hospitals for the sick and wounded and aged soldiers and sailors of the Union? There is no definite power in the Constitution to build a hospital. How is it that Congress grants pensions and appropriates millions every year to pay them? The specific power is not in the Constitution; the word pension cannot be found in the instrument. How was it that even yesterday this House passed a bill giving a sal-

ary for life to a feeble and paralyzed judge, retiring him before the limitation in time fixed by law? I am aware that some of the commentators and the courts have based the exercise of such powers upon the idea or assumption of a debt owing such persons by the Government. But, sir, there is no authority in the Constitution for it; it is simply the discharge of implied duties and obligations arising under the general powers of the Constitution. No strict constructionist would deny or oppose such an exercise of power. How is it that the Government has bestowed charities and aided the distressed and afflicted at home and abroad? There is no distinct power in the Constitution to do any of these things. Sir, did the authors of that bond of government intend to forbid the Congress and the lawful authorities the exercise of the principles of charity and humanity or the power in certain contingencies or emergencies to "promote the general welfare" or "insure domestic tranquillity" even by the appropriation of money? If such had been the intention our Government could not have existed, and its grand proportions and appendages, its magnificent edifices, ornaments, and public improvements, and its humane and noble beneficence would not now command the respect and admiration of the world. Then I say, sir, that to "provide for the general welfare" is one of the enumerated powers of the Constitution, and then follows at the close of the section enumerating the powers of Congress this clause, namely:

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Sir, if the authors of the Constitution had thought it necessary to give definite authority to perform all the acts and do all the things which they knew were indispensable to build up a great and benevolent government, they could have filled a book as large as the Holy Bible. They intended only to lay out a general plan and specify certain general powers from which would necessarily flow by implication or inference the authority to carry them out, and the Government has exercised this authority from its foundation to the present time. I am for strict construction as far as we can apply the rule, but to say that we can or ought under all circumstances adopt and apply any fixed rule of construction I utterly deny. It cannot be done in the nature of the case. Why, sir, suppose a storm from heaven should come to-morrow and desolate half the State of Virginia, level its dwellings to the dust, and send its people homeless, houseless, naked, and starving into the wilderness, and no help could come but from the Government, should we deny food and raiment to the children of the good old mother under a strict construction of the Constitution that we had no power to appropriate money for any such purpose? A good government is humane and charitable, and will take care of its people.

Mr. Calhoun said on one occasion "he was no advocate for refined arguments on the Constitution. The instrument was not intended as a thesis for the logician to exercise his ingenuity on."

Mr. Madison said as late as 1830:

In order to understand the true character of the Constitution of the United States the error, not uncommon, must be avoided of viewing it through the medium either of a consolidated government or of a confederated government, while it is neither the one nor the other, but a mixture of both. And having in no model the similitude and analogies applicable to other systems of government, it must, more than any other, be its own interpreter according to *its text and the facts of the case*.

There, sir, is the rule, "*its text and the facts of the case*." Under these

and according to these it is reserved for Congress to use its best discretion and wisdom, and I apply these words of wisdom to the facts and circumstances before us and to the case under discussion.

I was surprised, Mr. Chairman, to hear at this day in our history the speech of the gentleman from Virginia, although it was able and eloquent, and has given him a high reputation. I rather regret that he made it; I do not think it will have a tendency to unite the democracy on this floor or have a good effect upon the country; and while I agree with him in much he said as to the structure and character of the Government, yet I do not entirely admit his conclusions. "*Tempora mutantur et nos mutamur in illis.*"

I call myself a strict constructionist, and yet I am more liberal than formerly. It will hardly do now to preach precisely the same rigid doctrines of State rights which we did twenty years ago; we might stir up old feuds which would endanger the democratic unity, for we are composed of old whigs and democrats alike, and they have always differed on this subject. While we should guard with the utmost vigilance the rights of the States, it is perhaps not needful now that we should enter into learned disquisitions upon the confederate or national character of the Republic, whether it is based upon a compact or a constitution.

In my readings this morning I chanced upon a paragraph in the Lectures on Constitutional Law of a distinguished Virginian—Henry St. George Tucker—to his law class in the university of that State. I believe he was the father of the honorable gentleman. He spoke thus:

It is not then by artificial reasoning founded upon theory, but upon a careful survey of the language of the Constitution itself, that we are to interpret its powers and its obligations. We are to treat it as it purports on its face to be, as a *Constitution* of government; and we are to reject all other appellations and definitions of it, such as that it is a compact, especially as they may mislead us into false constructions and glosses, and can have no tendency to instruct us in its real objects.

The gentleman ought to claim this by inheritance, and I commend it to him as a precious legacy.

Let us all remember, especially after the experience of the last few years, and in this felicitous period of our history, the peculiar circumstances under which the Constitution was adopted, by what concessions and compromises, yielding local interests and prejudices for the general good and an enlarged patriotism. It would be well, Mr. Chairman, for us to ponder long and often the words of Washington, the president of the convention which framed the Constitution, in presenting it to the old Congress for adoption. He said:

It is obviously impracticable in the Federal Government of these States to secure all rights of independent sovereignty to each and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstances as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests. In all our deliberations on this subject we kept steadily in our view that which appears to us the greatest interest of every true American: the consolidation of our Union; in which are involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the convention to be less rigid on points of inferior magnitude than might have been otherwise expected, and thus the Constitution which we now present is the result of a spirit of amity and that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

This, sir, was the spirit that animated the great and glorious authors

of the Constitution. Let us try in its administration to follow their benign example. This too, sir, has been the spirit which influenced our greatest judges, from Chief Justices Marshall and Story down, in their most important decisions upon questions of national interests, whether of material or moral import. I have not time to cite them. The same spirit in the main also runs through the texts of the most distinguished commentators upon constitutional law. It is the pervading spirit in the emanations of our greatest lawyers, statesmen, and orators, and by none displayed with so much learning, ability, eloquence, and patriotism as the matchless Webster. It is the heart and soul of all his grand arguments and orations in the courts, in the Houses of Congress, or before vast multitudes of our countrymen.

I admit, sir, that the powers of the Constitution have often been misused and misapplied. The Congress has often most unwisely and criminally exercised its discretion in the discharge of its duties, but that does not affect the principle. The rights and privileges of that great instrument, like the blessings of God, are to be used and not abused. The only rule is a wise discretion.

Now, sir, as to the constitutional power of Congress to appropriate money to further and complete the preparations for the centennial celebration I have not a particle of doubt; I would put it even alone on the power to promote the "general welfare," whether that power may be considered express, implied, or residuary. But there is another view to take of this question. The Constitution, in defining the powers and duties of the President, says:

He shall have power, by and with the advice and consent of the Senate, to make treaties, &c.

Now, sir, by act of Congress of June 5, 1874, the President was directed "to extend in the name of the United States a respectful and cordial invitation to the governments and other nations to be represented and take part in the international exposition to be held at Philadelphia under the auspices of the Government of the United States in the year 1876." The President accordingly extended that invitation to all the civilized nations and governments of the earth; and how many, sir, have already responded? We are told that England, France, Russia, Austria, Spain, Italy, China, Belgium, Denmark, Sweden, Norway, the Netherlands, Portugal, Egypt, Turkey, Brazil, Peru, Bolivia, Chili, Hayti, Venezuela, Mexico, Ecuador, Nicaragua, Persia, Liberia, Siam, Guatemala and Salvador, Honduras, the United States of Colombia, the Argentine Confederation, Tunis, and the Orange Free States, and others, amounting to nearly forty in number, have accepted and appropriated large sums of money to have themselves properly represented with their arts, their skill and genius, their manufactures and productions, at this grand assembly of the nations.

Now, sir, this act on the part of our Government and its President is in the nature of a treaty, and imposes a corresponding obligation. That obligation is to see that the invitation thus extended and thus accepted shall be carried out and realized in a manner corresponding with and creditable to the wealth, the character, the grandeur, and glory of the United States of America. The honor, sir, of our Government is involved in this business, and we cannot disguise it. Your honor, sir, and my honor, and the honor of every Representative on this floor, is, in the true sense of pride and patriotism, involved in it. We cannot ignore it. Let us act for our country as under like circumstances we would act for ourselves. Who among us would slight his

invited guest or tarnish the honor of his house by an unseemly and stinted feast?

No, sir; let the United States in this matter rise to the full measure of her majestic proportions and show the nations of the world who she is and what she is at home among her own people. Let us not be "penny wise and pound foolish." The money proposed to be appropriated will be nothing compared to the benefit received. Regarding it in the sense merely of profit and loss—which is perhaps too sordid to be thought of—it will be a speculation for our people. Millions will come in and be spent among them and but little will go out. It will increase the wealth of the whole community. But, sir, in a higher sense it will prove of the greatest importance to our people. It will be a great school of instruction and education, teaching both by theory and practical illustration in all the sciences and arts, and giving visible demonstration of all the productions of the earth and of the varied industrial pursuits of man.

It has been said that this is a local enterprise gotten up for the benefit of the city of Philadelphia. I regard it in no such light. The spirit of it is national. The acts of Congress have made it national. It rises from the very birth of our liberty and Union, and speaks to every heart in this broad land; it embodies the signers of the Declaration and the framers of the Constitution, and appeals to us their descendants to give it free scope and let it be glorified. It is true that the noble State of Pennsylvania and the city of Philadelphia have contributed great sums, which, together with other individual and State contributions, amount to nearly \$5,000,000. They have already erected mighty and magnificent structures, covering immense spaces of ground and rising to the very skies in the most exquisite architectural beauty and grandeur. But we are assured that they must have more; they can give no more themselves; and unless the Government comes to the rescue the great exhibition will fail. Shall we allow it to fail or shall we make it more emphatically our own and national by laying the hand of the Government to the work that it may be carried to its full and complete proportions? These reasons alone, to my judgment, would seem sufficient for us to grant this appropriation.

But I said, sir, in the beginning, that I supported this measure in the interest of peace and unity among the people of the United States. That, with me, is the chief object. I know no way and can imagine none by which the "general welfare" can be promoted so efficiently, so appropriately, and so delightfully as this. It was indeed a happy conception, and our hundredth anniversary could have come at no time when it was more important to quiet the prejudices and still the passions and unite the hearts of our people than now. The great war through which we have passed and the consequent suffering have not done their perfect work. Something more is needed; "domestic tranquillity" and the "general welfare" have not been "insured and promoted." It behooves us to try another plan—the plan of peace and brotherhood.

Sir, if Adams and Jefferson, Hancock and Rutledge, had stood among us the other day and had witnessed the scene that occurred on this floor, they would have thought that something was yet necessary to promote the "general welfare." And can you imagine that they would have suggested anything more fit and becoming than the measure before us? They would have implored us to hesitate not in this work, but give money if necessary, and ample for the purpose of bringing the people of this great country together and producing harmony, friendship, and unity among them, that they might go on and raise

still higher the fame of this land for wealth, skill in the arts, manufactures, and all productive industry ; and for the accomplishment of these great objects they could have pointed us to no more appropriate occasion than the celebration of the birthday of American Independence on the very spot of its origin. I feel that their spirits are looking down upon us to-day and silently appealing to our hearts to approve this measure.

Sir, I have more confidence in the people than in their leaders. They have no object in keeping up the animosities and nursing the passions which the conduct of some of their Representatives in this House would indicate. They are purer in heart ; they know their interest better, and they want peace. I believe their hearts and minds are in this centennial celebration. Why, sir, they talk of it day and night in their homes and families, and thousands are saving their hard-earned pennies to enable them and their children to go and behold this great exhibition, the wonder of all the earth ; there, too, to meet their fellow-citizens from the North, the South, the East, and the West, to shake hands over the cradle of their liberties and resolve to part from the father's house no more forever. And I want every American citizen when he goes to that sacred spot to feel that he is not indebted alone to Pennsylvania or Philadelphia, or any other State or city, for his enjoyment there, but that its great preparations are his own, he in part having paid for them by the sweat of his own brow, and that the expense came from the common treasure of the people.

Why, sir, every orator of the country, every preacher of the gospel, every executive of a State for the last two years has been eloquently rejoicing in the coming glories of the grand centennial. The people everywhere are hailing it with acclamations of joy. Shall we not respect them and their wishes ? Have we not seen within the last year the most convincing demonstrations of returning good-will and friendship among the people, both North and South ; and shall we stop or stay for a moment this bright and limpid current that is sweeping the land ? Look how the sons of Virginia and South Carolina, of Yorktown and Eutaw, were received by those of Lexington and Concord, of Boston and Bunker Hill. The son of the great Lee himself was taken as it were to the bosom of the people of Boston, and he and his friends, confederate soldiers and citizens, were feted and feasted. The women and the children came out to honor them ; they threw evergreens in their paths and roses on their heads. They met the welcome of brothers. And look, sir, how the men of Mecklenburgh last May threw open their doors and their stores and invited the people of all sections to come and partake of their generous hospitality and celebrate with them the centennial anniversary of the declaration of their fathers, the first declaration of independence that saw the light on the shores of the new world. There was another common and glorious rejoicing. I love the Carolinas ; born in one and reared in the other, I claim them both. Old North Carolina, my native State, God bless her !

Though she envies not others their merited glory,
Say, whose name stands the foremost in liberty's story ?

Sir, let us not quench this fraternal spirit ; let us promote it by giving the people this grand jubilee. It may be the food and the blood of life to the Republic. We have a large debt, it is true, and it is incumbent upon us to economize and retrench ; but in this measure we bring about that fellowship and harmony which will enable us the better to accumulate wealth with which to pay the debt and move

on to untold riches—riches in money, riches in knowledge, riches in wisdom, and riches in brotherly love. Let us make one more and signal effort to bind the sections together.

Once more unto the breach, dear friends, once more.

Mr. Calhoun aptly said on another question, but for a like purpose:

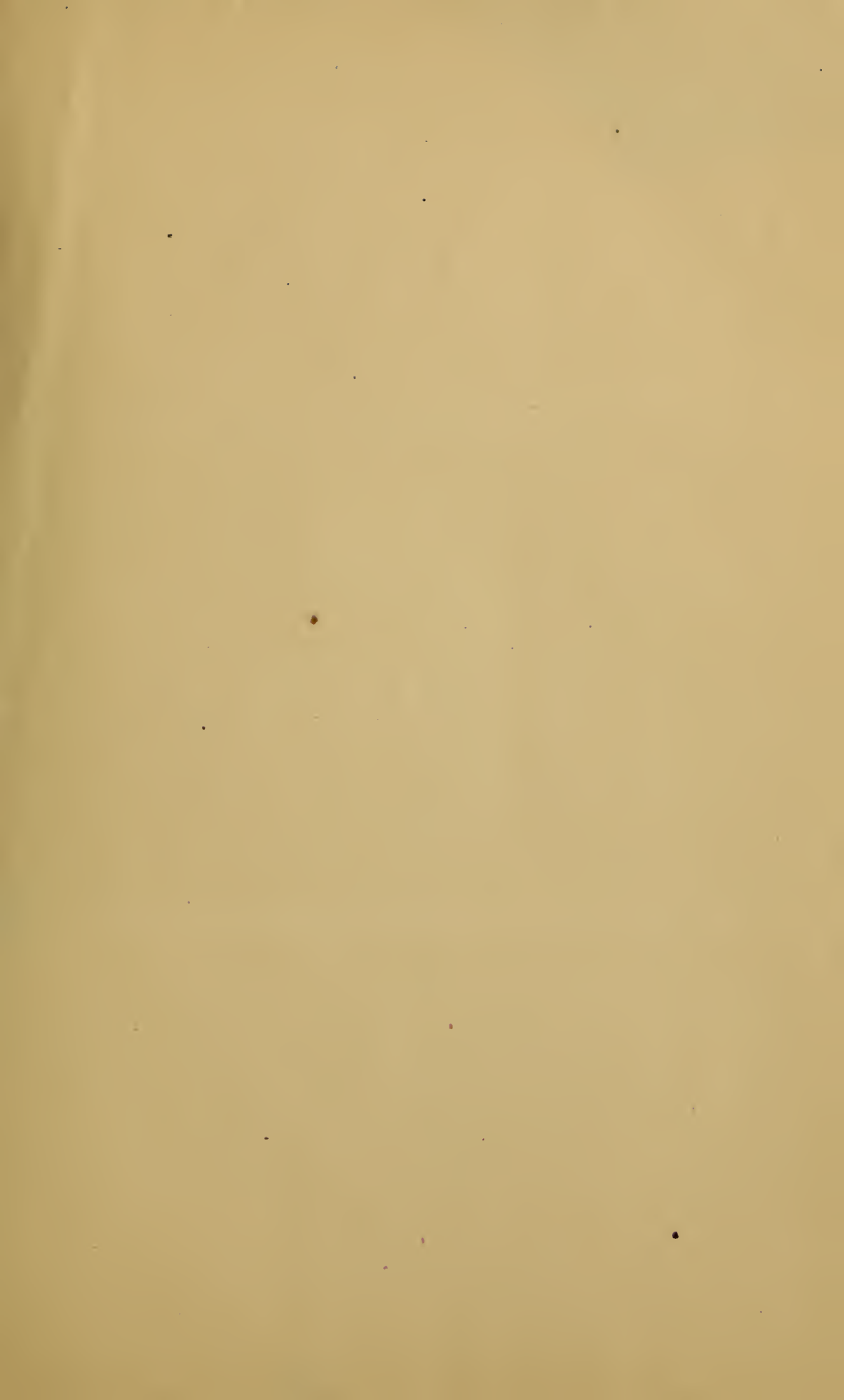
But on the subject of national power what can be more important than a perfect unity in every part, in feelings and sentiments, and what can tend more powerfully to produce it than overcoming the effects of distance? Uninfluenced by any other consideration than love of country and duty, let us add this to the many useful measures already adopted. The money cannot be appropriated to a more exalted use. Every portion of the community—the farmer, mechanic, and merchant will feel its good effects, and—what is of the greatest importance, the strength of the community will be augmented and its political prosperity rendered more secure.

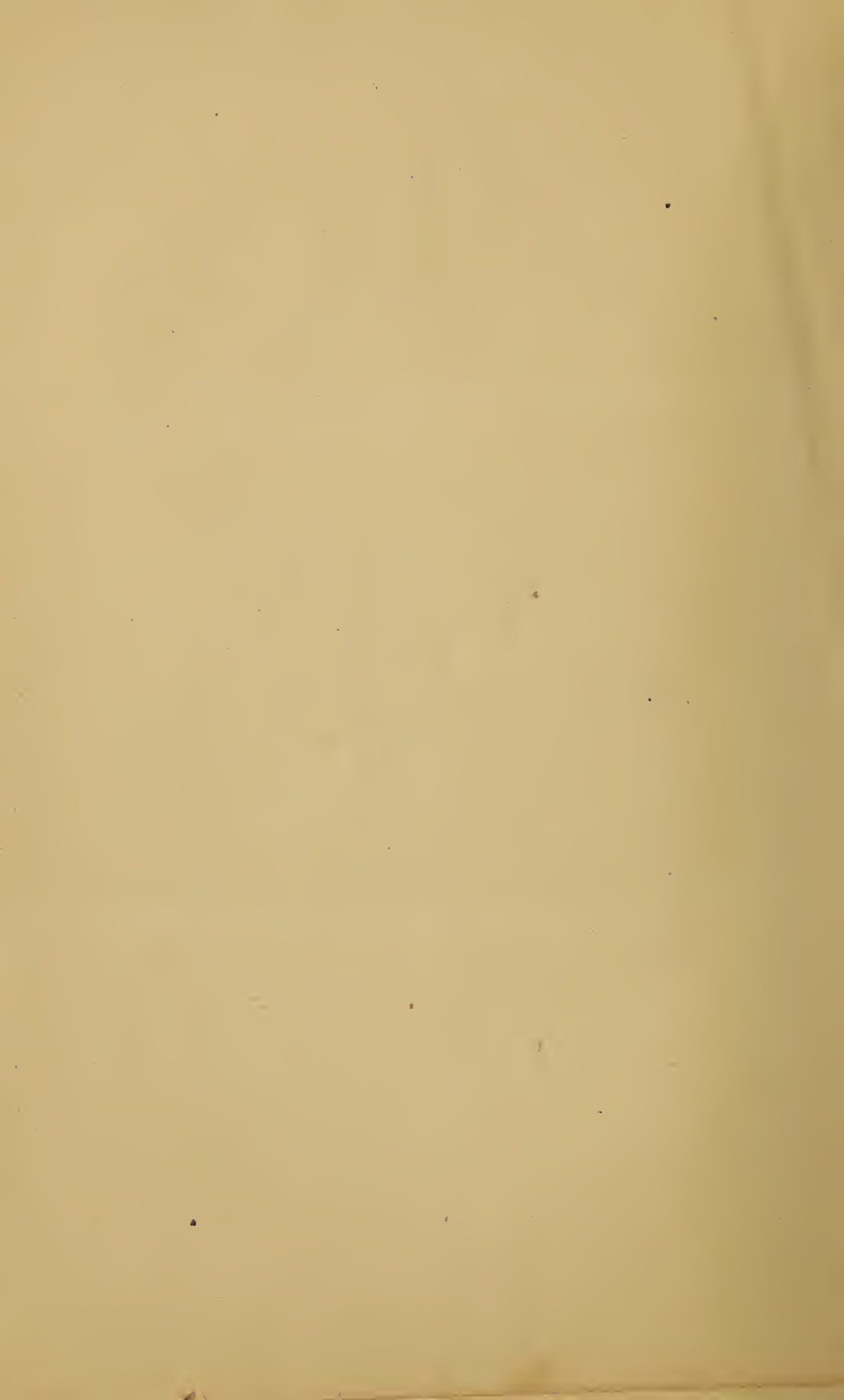
I make his words my own, and apply them to the measure under consideration.

Mr. Chairman, I know that I differ with many of my political friends on this subject, and with perhaps every one of my own delegation in Congress. I yield to them, sir, the same conscientious convictions in the discharge of their duties which I claim for myself. But I must carry out my principles and my faith, “come what come may.” I am willing to meet the people, and stand or fall by my own acts. I take the responsibility; and in the immortal language of John Adams, as he stood for the Declaration on the floor of Independence Hall, braving the judgment of the world but conscious of his own rectitude and in the fear of God, so I stand for the Centennial:

Sink or swim, live or die, survive or perish, I give my hand and my heart to this vote.







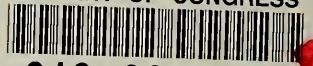
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